

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

|                               |                   |
|-------------------------------|-------------------|
| JOSEPH TAYLOR,                | )                 |
|                               | ) Civil Action    |
| Petitioner                    | ) No. 09-cv-00313 |
|                               | )                 |
| vs.                           | )                 |
|                               | )                 |
| COMMONWEALTH OF PENNSYLVANIA, | )                 |
| THE DISTRICT ATTORNEY OF THE  | )                 |
| COUNTY OF CHESTER and         | )                 |
| THE ATTORNEY GENERAL OF THE   | )                 |
| STATE OF PENNSYLVANIA,        | )                 |
|                               | )                 |
| Respondents                   | )                 |

O R D E R

NOW, this 30<sup>th</sup> day of June, 2009, upon consideration of the Petition for Writ of Habeas Corpus, which petition was filed on January 22, 2009; upon consideration of the Answer of the District Attorney of Chester County to Petition Seeking Writ of Habeas Corpus, which answer was filed February 18, 2006; upon consideration of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells filed May 14, 2009; upon consideration of the Written Statement of Objections to the Magistrate Judge's Order and report With Recommendations Pursuant to Local Civil Rule 72.1IV(b), which objections were filed on May 26, 2009; it appearing that petitioner's objections to Magistrate Judge Wells' Report and Recommendation are a restatement of the issues raised in his underlying petition for habeas corpus relief and are without merit; it further appearing after de novo review of this matter that Magistrate Judge Wells' Report and Recommendation correctly determined the legal and

factual issues presented in the petition for habeas corpus relief,

IT IS ORDERED that Magistrate Judge Wells' Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that petitioner's objections to Magistrate Judge Wells' Report and Recommendation are overruled.<sup>1</sup>

IT IS FURTHER ORDERED that the pro se petition for habeas corpus relief is denied without a hearing.

IT IS FURTHER ORDERED that because petitioner fails to demonstrate denial of a constitutional right, a certificate of appealability is denied.

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1. When objections are filed to a magistrate judge's report and recommendation, I am required to make a de novo determination of those portions of the report, findings or recommendations made by the magistrate judge to which there are objections. 28 U.S.C. § 636(b)(1); Rule 72.1(IV)(b) of the Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania. Furthermore, district judges have wide latitude regarding how they treat recommendations of the magistrate judge. See United States v. Raddatz, 447 U.S. 667, 100 S.Ct. 2406, 65 L.Ed.2d 424 (1980). Indeed, by providing for a de novo determination, rather than a de novo hearing, Congress intended to permit a district judge, in the exercise of the court's sound discretion, the option of placing whatever reliance the court chooses to place on the magistrate judge's proposed findings and conclusions. I may accept, reject or modify, in whole or in part any of the findings or recommendations made by the magistrate judge. Raddatz, supra.

As noted above, I conclude that petitioner's objections to Magistrate Judge Wells' Report and Recommendation are nothing more than a restatement of the underlying claims contained in his petition for habeas corpus. Moreover, upon review of the Report and Recommendation, together with de novo review of this matter, I conclude that the Report and Recommendation correctly determines the legal issues raised by petitioner.

Accordingly, I approve and adopt Magistrate Judge Wells' Report and Recommendation and overrule petitioner's objections to the Report and Recommendation.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this matter closed for statistical purposes.

BY THE COURT:

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/s/ JAMES KNOLL GARDNER

James Knoll Gardner  
United States District Judge